



United States Department of the Interior

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BUREAU OF LAND MANAGEMENT

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Utah State Office

P.O. Box 45155

Salt Lake City, UT 84145-0155

<http://www.blm.gov>

DIV. OF OIL, GAS & MINING



Utah County Gen. Corr
cc: Leslie 1001

IN REPLY REFER TO:

3513

UTU-017558

UTU-026255

UTU-0147257

(UT-923)

OCT 30 2009

CERTIFIED MAIL—Return Receipt Requested

DECISION

Mar Dean Leslie	:	Phosphate Leases
c/o Gary E. Adkin	:	UTU-017558
Atkin & Associates	:	UTU-026255
1111E. Brickyard Road, Suite 206	:	UTU-0147257
Salt Lake City, Utah 84106	:	
	:	

Rental Payments Due Waived

For Phosphate Leases UTU-017558, UTU-026255 and UTU-0147257 Approved

Phosphate Lease Relinquishments Accepted

Melvin E. Leslie, holder of three federal phosphate leases UTU-017558, UTU-026255 and UTU-0147257 passed away on January 10, 2005. Gary E. Adkin, the representative of Mr. Leslie's estate, submitted letters, on November 29, 2006 and April 17, 2007, to the Minerals Management Service in Denver, Colorado requesting information as to what needed to be done to transfer or end those leases. No response from MMS was forthcoming.

This office issued a decision on February 12, 2008, holding the leases for cancellation. Mr. Adkin responded to BLM decision, expressing the desires of Mrs. Leslie to relinquish these leases. On March 14, 2008 Mrs. Mar Dean Leslie, widow of Mr. Marvin E. Leslie submitted a request for relinquishment of these leases. On October 3, 2008 this office sent a letter to Mr. Adkin requesting that Mrs. Leslie file a request for a waiver of the rental requirements for these leases. On August 20, 2009 Mrs. Leslie filed that request.

The Bureau of Land Management (BLM) has examined Mrs. Leslie's request and has determined that it is in the public interest to accept this waiver, that Mrs. Leslie lacked the ability to operate these leases, and that it will not impair the later recovery of the resource.

Therefore, pursuant to 43 CFR 3513.11, BLM hereby approves the waiver of all rental and royalty amounts due and owing on these phosphate leases back to January 10, 2005 and hereby

accepts the relinquishment of these leases effective March 14, 2008, the lease relinquishment date of filing.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842.1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21)(58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards.

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Selma Sierra

Selma Sierra
State Director

Enclosures

1. Form 1842-1 (1 p)

cc: Mr. John Baza, Director, UDOGM, Box 145801, Salt Lake City, Utah 84114-5801
Green River District Office
MMS, MRM, Solid Minerals Staff, Attn: LeeAnn Martin, MS390B2, Box 25165,
Denver, CO 80225-0165